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8 **BEFORE THE**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 1D200162860

11 **NORA SHAMSI**

OAH No. L-2002040547

12  
13 Respondent.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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17 In the interest of a prompt and speedy settlement of this matter, consistent with  
18 the public interest and the responsibility of the Physical Therapy Board of California of the  
19 Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement  
20 and Disciplinary Order which will be submitted to the Board for approval and adoption as the  
21 final disposition of the Accusation.

22 **PARTIES**


23 1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
24 Therapy Board of California. He brought this action solely in his official capacity and is  
25 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Taylor  
26 Schneider, Deputy Attorney General.

27 2. Respondent Nora Shamsi (Respondent) is represented in this proceeding  
28 by attorney Dean J. Smith, whose address is Stephan, Oringer, Richman & Theodora, 2029

1 Century Park East, 6th Floor, Los Angeles, CA 90067-2907.

2 3. On or about May 11, 1995, the Physical Therapy Board of California  
3 issued Physical Therapist License No. PT 20746 to Respondent. The Physical Therapist license  
4 was in full force and effect at all times relevant hereto. Unless renewed, Respondent's license  
5 will expire on October 31, 2002.

6 JURISDICTION

7 4. Accusation No. 1D200162860 was filed before the Physical Therapy  
8 Board of California (Board), Department of Consumer Affairs,, and is currently pending against  
9 Respondent. The Accusation and all other statutorily required documents were properly served  
10 on Respondent on March 21, 2002. Respondent timely filed her Notice of Defense contesting  
11 the Accusation. A copy of Accusation No. 1D200162860 is attached as Exhibit A and  
12  incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and  
15 understands the charges and allegations in Accusation No. 1D200162860. Respondent has also  
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
17 Settlement and Disciplinary Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the  
19 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
20 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
21 the right to present evidence and to testify on her own behalf; the right to the issuance of  
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
23 reconsideration and court review of an adverse decision; and all other rights accorded by the  
24 California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
26 each and every right set forth above.


27 CULPABILITY

28 8. Respondent admits, as to each charge and allegation in the Accusation,

1 that if the Board were to proceed to hearing in this matter, the Board would be able to prove a  
2 *prima facie* case on every charge and allegation, thereby constituting cause for imposing  
3 discipline upon her Physical Therapy license.

4 9. Respondent agrees that her license is subject to discipline and further  
5 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order  
6 below.

#### 7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Physical Therapy  
9 Board of California. Respondent understands and agrees that counsel for Complainant and the  
10 staff of the Physical Therapy Board of California may communicate directly with the Board  
11 regarding this stipulation and settlement, without notice to or participation by Respondent or her  
12 counsel. By signing the stipulation, Respondent understands and agrees that she may not  
13 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers  
14 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
15 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
17 not be disqualified from further action by having considered this matter. 

18 11. The parties understand and agree that facsimile copies of this Stipulated  
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties  
22 agree that the Board may, without further notice or formal proceeding, issue and enter the  
23 following Disciplinary Order:

#### 24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Physical Therapy License No. PT 20746 issued  
26 to Respondent Nora Shamsi is revoked. However, the revocation is stayed and Respondent is  
27 placed on probation for three (3) years on the following terms and conditions.



28 1. LICENSE SUSPENSION As part of probation, Respondent's license

1 shall not be suspended.

2                   2.     PRACTICE IN A SUPERVISED STRUCTURED ENVIRONMENT


3 Respondent may only practice or perform physical therapy under the supervision of a physical  
4 therapist who is responsible for the care rendered, except for occasions when another physical  
5 therapist is also on duty, or care is provided in an area where other health care providers are not  
6 excluded.

7                   3.     RESTRICTION OF PRACTICE - HOME CARE The Respondent shall  
8 not provide physical therapy services in a patient's home.

9                   4.     RESTRICTION OF PRACTICE - SOLO PRACTICE The Respondent  
10 shall be prohibited from engaging in the solo practice of physical therapy.

11                  5.     RESTRICTION OF PRACTICE - GRAVEYARD SHIFT The  
12 Respondent shall be prohibited from working a graveyard shift or any shift in which there is no  
13 other physical therapist practicing.

14                  6.     RESTRICTION OF PRACTICE - NO EMPLOYMENT OR  
15 SUPERVISION OF PHYSICAL THERAPY STUDENT INTERNS Respondent shall not  
16 supervise any physical therapy student interns during the entire period of probation. Respondent  
17 shall terminate any such supervisorial relationship in existence on the effective date of this  
18 probation.

19                   OBEY ALL LAWS Respondent shall obey all federal, state and local  
20 laws, and statutes and regulations governing the practice of physical therapy in California.

21                  8.     COMPLIANCE WITH ORDERS OF A COURT The Respondent shall  
22 be in compliance with any valid order of a court. Being found in contempt of any court may  
23 constitute a violation of probation.

24                  9.     COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
25 RESTITUTION Respondent must not violate any terms and conditions of criminal probation  
26 and must be in compliance with any restitution ordered.

27                  10.    QUARTERLY REPORTS Respondent shall submit quarterly  
^ declarations under penalty of perjury on forms provided by the Board, stating whether there has

1    been compliance with all the conditions of probation.

2                   11.    PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
3    shall comply with the Board's probation monitoring program.

4                   12.    INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
5    shall appear in person for interviews with the Board, or its designee, upon request at various  
6    intervals and with reasonable notice.

7                   13.    NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS The  
8    Respondent shall notify all present or future employers of the reason for and the terms and  
9    conditions of the probation by providing a copy of the Accusation and the decision and order  
10   (stipulated settlement) to the employer. The Respondent shall obtain written confirmation from  
11   the employer that the documents were received. If Respondent changes employment or obtains  
12   additional employment, Respondent shall provide the above notification to the employer and  
13   submit written employer confirmation to the Board within 10 days. The notification(s) shall  
14   include the name, address and phone number of the employer, and, if different, the name, address  
15   and phone number of the work location.

16                  14.    NOTIFICATION OF CHANGE OF NAME OR ADDRESS The  
17   Respondent shall notify the Board, in writing, of any and all changes of name or address within  
18   ten (10) days.


19                  15.    PROHIBITED USE OF ALIASES Respondent may not use aliases and  
20   shall be prohibited from using any name which is not her legally-recognized name or based upon  
21   a legal change of name.

22                  16.    WORK OF LESS THAN 20 HOURS PER WEEK If the Respondent  
23   works less than 192 hours in a period of three months in employment related to the provision of  
24   physical therapy services, those months shall not be counted toward satisfaction of the  
25   probationary period. The Respondent shall notify the Board if she works less than 192 hours in a  
26   three month period.

27                  17.    TOLLING OF PROBATION The period of probation shall run only  
28   during the time Respondent is practicing within the jurisdiction of California. If, during

1 probation, Respondent does not practice within the jurisdiction of California, Respondent is  
2 required to immediately notify the probation monitor in writing of the date that Respondent's  
3 practice is out of state, and the date of return, if any. Practice by the Respondent in California  
4 prior to notification to the Board of the Respondent's return will not be credited toward  
5 completion of probation. Any order for payment of cost recovery shall remain in effect whether  
6 or not probation is tolled.

7 18. VIOLATION OF PROBATION If Respondent violates probation in any  
8 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke  
9 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
10 revoke probation is filed against Respondent during probation, the Board shall have continuing  
11 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
12 is final.

13 19. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR  
14 OTHER REASONS Following the effective date of this probation, if Respondent ceases  
15 practicing physical therapy  re to retirement, health or other reasons, Respondent may request to  
16 surrender her license to the Board. The Board reserves the right to evaluate the Respondent's  
17 request and to exercise its discretion whether to grant the request or to take any other action  
18 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
19 tendered license, the terms and conditions of probation shall be tolled until such time as the  
20 license is no longer renewable, the Respondent makes application for the renewal of the tendered  
21 license or makes application for a new license.

22 20. COMPLETION OF PROBATION Upon successful completion of  
23 probation, Respondent's license or approval shall be fully restored.

24 21. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING  
25 THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this  
26 decision, Respondent shall take and pass the Board's written examination on the laws and  
27 regulations governing the practice of physical therapy in California. If Respondent fails to pass  
28 the examination, Respondent shall be suspended from the practice of physical therapy until a

1 repeat examination has been successfully passed.

2 22. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
3 ON PROBATION It is not contrary to the public interest for the Respondent to practice or  
4 perform physical therapy under the probationary conditions specified in the disciplinary order.

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7 ACCEPTANCE

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9 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
10 have fully discussed it with my attorney, Dean J. Smith. I understand the stipulation and the  
11 effect it will have on my Physical Therapy License. I enter into this Stipulated Settlement and  
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the Physical Therapy Board of California.

14 DATED: August 1, 2002.

15  
16 Original signed by Nora Shamsi  
17 NORA SHAMSI,  
18 Respondent

19 I have read and fully discussed with Respondent NORA SHAMSI the terms and  
20 conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
21 Order. I approve its form and content.

22 DATED: August 1, 2002.

23  
24 Original signed by Dean J. Smith  
25 DEAN J. SMITH

26 Attorney for Respondent

27 ENDORSEMENT

28 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

1 submitted for consideration by the Physical Therapy Board of California of the Department of  
2 Consumer Affairs.

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4 DATED: August 1, 2002.

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BILL LOCKYER, Attorney General  
of the State of California

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Original signed by Taylor Schneider  
TAYLOR SCHNEIDER  
Deputy Attorney General  
Attorneys for Complainant

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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D200162860

**NORA SHAMSI**

OAH No. L-2002040547

Respondent.

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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 12, 2002.

It is so ORDERED August 13, 2002.

FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

**Exhibit A**

**Accusation No. 1D200162860**